



FEDERAL COMMUNICATIONS COMMISSION
Enforcement Bureau, Investigations and Hearings Division
445 12th Street, S.W., Room 3-B443
Washington, D.C. 20554

In Reply Refer to:
EB-00-IH-0187/RBP
ID# 20350

Mr. and Mrs. Matt Olson

Dear Mr. and Mrs. Olson:

This is in response to your complaint against radio station WBZZ-FM, Pittsburgh, Pennsylvania (you identified as WBBZ B94-FM) for allegedly airing indecent material on April 18, 2000, between 10 a.m. and 10:15 a.m. In support of your complaint you submitted a general description of the announcers discussing a video submitted as part of a station contest concerning sexual activity in an office environment.

While we understand that you are offended by the programming described, it does not appear that we have any basis for action at this time. First, it is important to note that any consideration of government action against allegedly indecent programming must take account of the fact that such speech is protected under the First Amendment. Because of this fact, the FCC generally requires complainants to provide a full or partial tape or transcript or significant excerpts of the program; the date and time of broadcast; and the call sign of the particular station involved. This information is necessary to provide sufficient context in terms of language or wording used in the broadcast material to enable us to determine whether the material meets the Commission's definition of indecency. Subject matter, in and of itself, is insufficient to meet the indecency standard. Because you did not provide sufficient context in terms of the language and wording used during the broadcast to enable us to determine whether the material meets the Commission's definition of indecency, we must dismiss your complaint at this time.

To assist you further, we include an information sheet regarding enforcement against indecent and obscene programming. The enclosure discusses the law with respect to obscene and indecent broadcasts and our enforcement procedures. Please be advised that prior to Commission inquiry concerning an alleged violation of the rules, a complainant must provide prima facie evidence of a violation. The Commission does not require stations to maintain tapes or transcripts of material broadcast.

I recommend that you voice your concerns to station management, as the views of station listeners will often influence a change in programming. Your interest in writing is appreciated.

Sincerely,

Charles W. Kelley
Chief, Investigations and Hearings Division
Enforcement Bureau

Enclosure

